

**STATE
PLANNING
REPORT**

of the

**NEW HAMPSHIRE LEGAL SERVICES
COMMUNITY**

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NEW HAMPSHIRE STATE PLANNING CONSIDERATIONS FOR PROVISION OF LEGAL SERVICES TO LOW INCOME INDIVIDUALS

The Process and Participants

New Hampshire has had a state planning process in place since July 1995. At that time, representatives of the New Hampshire Bar Association (“the Bar”), New Hampshire Legal Assistance (“NHLA”) and the New Hampshire Pro Bono Referral System (“Pro Bono”) began to convene a variety of stakeholders in the legal services delivery system to begin discussions about the design, configuration and operation of the Legal Services Corporation (“LSC”) funded programs in New Hampshire. These discussions were prompted by congressional proposals to reduce LSC funding in New Hampshire by 40% and eliminate the LSC line item from which Pro Bono was funded.

Legal service organizations and clients faced an additional challenge of anticipated congressional restrictions upon a number of services traditionally furnished by legal services providers. For example, congressional restrictions on fee generating cases prevent legal services representation in cases ranging from an illegal tenant lockout to consumer fraud, to civil rights enforcement. Prohibitions on class actions, representation and rule making in legislative proceedings also ended services customarily provided to clients by LSC funded programs in New Hampshire for nearly twenty-five years.

In late Summer and early Fall of 1995, NHLA and Pro Bono representatives had a series of meetings with leaders of organizations which deliver or support the delivery of legal services to New Hampshire’s low income residents. Included were the New Hampshire Bar Foundation and Franklin Pierce Law Center. Additional meetings were held with other groups having an interest in legal services to the poor, such as New Hampshire Children’s Alliance, Child & Family Services of New Hampshire, the Disability Rights Center, and the New Hampshire Coalition Against Sexual & Domestic Violence. The Chief Justice of the New Hampshire Supreme Court was updated on the potential impact of congressional action. New Hampshire has a unified bar and a unified court system which the Chief Justice heads.

Throughout this progress, an organizational development professional was retained using funds of NHLA and the Bar to assist in the planning process. Through this process, the following mission statement was developed:

We, the New Hampshire legal services programs, shall use our resources, in partnership, to efficiently and economically develop statewide a full range of legal services in all necessary forums, in an integrated fashion, to meet the highest priority needs of New Hampshire’s low income citizens.

In addition, the planning group also developed planning principles that elaborated upon the above mission statement, as follows:

Partnership. Within the constraints of their separate missions and any Congressional or other limitations, organizations involved in the delivery and support of legal services to the poor should coordinate their planning, priorities, and delivery mechanisms to meet the highest priority needs of New Hampshire's low-income citizens.

Efficient and Economical Services. To the extent possible, legal services providers should strive to:

Avoid duplication of capacities and administration.
Develop and maintain coordinated intake, case evaluation and referral systems.
Develop organizational relationships and structures that maximize economies of scale and promote effective use of existing and emerging technologies.

Statewide. Staffing and services should be designed to serve low-income citizens statewide. Special efforts and/or projects may be required from time to time to provide access to segments of the population who encounter unusual legal problems or experience unusual barriers to effective access to the justice system.

Legal Services. Legal representation should be provided in a manner consistent with applicable ethical obligations to clients and which conforms to expectations established in the ABA Standards for Providers of Civil Legal Services to the Poor (in the case of staffed legal services providers) and the emerging Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means (ABA Standing Committee on Lawyers' Public Service Responsibility (February 1995 Draft) (in the case of volunteer attorney program components).

Highest Priority Needs of New Hampshire's Low-Income Citizens. Regular and effective identification and review of the most important and pressing concerns of New Hampshire's low-income citizens is essential to assure resources are appropriately targeted to the highest priority needs. Eligible persons should be consulted during needs assessment processes and all concerned should understand the necessity to focus limited resources on the highest priority concerns.

LSC Funding. LSC funding may be used only for services permitted by Congress, and any delivery plan using LSC funding must conform with Congressional limitations.

All of these, as well as recommendations for action, were set forth in the 1995 state plan submitted to LSC in October 1995.

From this process, a new non-profit entity was formed, Legal Advice & Referral Center ("LARC"), to apply for the remaining LSC funds in New Hampshire with a mandate to operate within the Congressional restrictions. LARC was conceived as a "hotline" that would conduct most of the intake for Pro Bono, provide advice and counsel in specific substantive areas (coordinated with other legal service providers to prevent redundancy), refer cases requiring more than advice and counsel to NHLA and other providers, and develop community education and pro se materials.

The goal was that the consortium of the three major service providers would provide all the necessary levels of legal service representation to clients. Under this concept, LARC was to serve as a "funnel" to screen out ineligible clients, provide triage in certain cases, and then refer clients to Pro Bono, NHLA and the other legal services providers in New Hampshire. Pro Bono would continue to serve low income people throughout the state through its network of volunteer

private attorneys. NHLA would continue to provide a full range of legal services from regional offices across the state.

Since that first foray into state planning in 1995 and 1996, the three major service providers, together with the Bar and the New Hampshire Bar Foundation, have continued to meet periodically to develop an integrated delivery system. During 1996, various segments of the state planning group met four times, during 1997 four times, and five times to date in 1998. Perhaps one of the group's most important meetings was on October 30-31, 1997, when it met with John Arango, a nationally recognized strategic planner for legal services. Mr. Arango spent a day and a half with representatives from both the staff and boards of the three primary service providers, discussing the evolution of New Hampshire's delivery system and the state planning process.

From the meetings in October 1997 evolved the monthly meetings of the three executive directors of NHLA, Pro Bono and LARC, which have continued now for a year. Another action that evolved from that October meeting was the grant request to the New Hampshire Bar Foundation for a facilitator dedicated to assisting the state planning participants to evaluate their progress since 1995 and to develop a written plan for the next two to three years. Such grant was awarded in the June 1998, and a facilitator was hired at the end of August 1998, Ellen Hemley of Massachusetts. Ms. Hemley met with the directors of the three programs on September 16th to review the process to date, and to discuss how best to achieve their goals. The directors will meet again with Ms. Hemley on October 9, 1998, and the full planning group will meet with her on October 22, 1998.

Another significant state planning meeting was held on May 28, 1998 when the full Boards of the three programs met to review the accomplishments of the organizations since 1995 and to assess where and how to move forward. At that meeting, the Board members reaffirmed the 1995 mission and selected a core planning group for the next year.

New Hampshire has been successful in forging an integrated delivery system over the past three years. The joint mission adopted in the 1995 planning efforts has guided the three major organizations for almost three years in their approach to the delivery of legal services in New Hampshire. The mission has been reaffirmed several times since then, including at the May 28, 1998 joint Board meeting. While each of the three legal services programs has slightly different organizational missions and objectives, each is guided by the overriding principles set forth above.

The state planning efforts since October 1997 have resulted in the refinement of the mission statement, and a draft set of common principles for the consortium of organizations that provide legal services for disadvantaged people in New Hampshire. The draft principles will be circulated among the planning group in the Fall of 1998 and will be the topic of discussion at the upcoming meetings.

As already mentioned, the state planning process in New Hampshire currently is at a point of assessment. The participants have all worked laboriously over the past three years to implement the new delivery system envisioned in 1995-96. They are now examining the goals, assumptions and objectives developed as they re-structured the delivery system in 1996. This reflection encompasses all seven of the areas of state planning discussed in this Report. Thus, it is difficult to set forth timetables for any of the areas discussed in this Report, since the planning group is establishing new goals and timetables. The good news, though, is that New Hampshire has achieved virtually all of its 1995 state planning goals. The planning group is confident that it will be as successful with its new goals, given the past record of success.

The participants of state planning over the past three years have included the following individuals and organizations:

New Hampshire Legal Assistance

John Tobin, Executive Director
Anne Butenhof, Dir. Sr. Citizen Law Project
Jonathan Baird, Managing Attorney
Ben Mortell, Staff Attorney
John Funk, Board Member
Doug Hill, Chair of NHLA Board
(also, member of NH Bar Foundation Board)
Michael LaFontaine, Board Member

New Hampshire Bar Association

Jeannine McCoy, Executive Director
Patrick Hayes, Former Pres. - NHBA
(also LARC board member)
Mark Rouvalis, Chair - Delivery of Legal Services
Don Hebert, Board of Governors
(also, LARC board member)

Legal Advice & Referral Center

Connie Boyles Lane, Executive Director
Steven V. Camerino, Board Chair
Campbell Harvey, Board Member
Tom Fredenburg, Supervising Attorney
Nadine Altomare, Client Board
Maureen Rex, Client Board Member

New Hampshire Bar Foundation

Tina Abramson, Executive Director
Kevin Devine, Former Board Chair

New Hampshire Pro Bono Referral System

Virginia Martin, Program Director
Marilyn McNamara, Chair of Program
Janice Rabchenuk, Pro Bono Coordinator

Part of the planning process that is beginning in the Fall of 1998 will be to discuss when it is appropriate to include the judiciary and the smaller providers, as well as their role in the process. Some of them were involved early in the process in 1995-96, but have not continued as active participants.

One other issue that the legal services community must address in the near future is the economical method for determining client needs, and the timing of such determination. Do they want to continue to rely on United Way community needs assessments? Do programs collectively currently have sufficient information on client needs? What role does LARC's information from clients play?

Intake and Delivery of Advice & Referral Services

How are intake and delivery of advice and referral services structured within the state? What steps can be taken to ensure a delivery network that maximizes client access, efficient delivery, and high quality legal assistance?

Current Assessment

The 1995 state plan called for a significant restructuring of New Hampshire's intake and advice functions, including the creation of a new entity and the downsizing by approximately 50% of the two entities that had performed these functions for approximately twenty years. Much of the work over the past three years has focused on creating the organizations necessary to implement the 1995 state plan. The most dramatic change in the delivery system was the creation of a new non-profit organization, LARC, which is the LSC recipient in New Hampshire. LARC was designed as a "hotline" to conduct intake for Pro Bono, to provide advice and counsel in certain substantive areas, and to refer cases where appropriate to NHLA and other service providers. The goal was to have LARC act as the "funnel" for entry into the legal services community. While this overall plan has been largely successful, there have been modifications and refinements over the past two and a half years, primarily in response to client needs and grantors' requirements.

A brief snapshot of intake and referrals in the New Hampshire follows. LARC conducts approximately 75% of the intake/counsel and advice in New Hampshire, and NHLA provides 25%. In the 1995-96 restructuring, Pro Bono surrendered its intake function to LARC, focusing on the recruitment and training of attorneys and referral of cases. This was the first step toward centralized intake in New Hampshire. Another step towards more centralized intake is being explored by selected staff of NHLA's Manchester office and LARC. They are designing a system in which LARC would conduct most of the telephone intake for non-seniors for the NHLA Manchester office.

LARC has five to six advocates available five days a week between 9 a.m. to 1 p.m. to answer clients' concerns about housing, benefits, family law and consumer/bankruptcy. LARC screens the 125 calls it receives daily, providing its advice and counsel services to about 50 clients daily. LARC utilizes a sophisticated telephone system to place callers in queue, and an 800 number. LARC refers those who qualify to Pro Bono at its weekly case review with Pro Bono, totaling about 20 cases per week. LARC now provides Pro Bono with about 80% of Pro Bono's cases, with the remaining 20% coming from NHLA, private attorneys, or other social service agencies.

A more complete analysis of LARC's operations can be found in LSC's March 1998 Report entitled, Intake Systems Report - Innovative Uses of Centralized Telephone Intake and Delivery in Five Programs, in which LARC was one of five hotline programs featured.

The designers of LARC originally thought that most of LARC's clients would be "one time callers", but in fact, many of them are "repeat customers". It is not unusual for LARC to speak two to three times to clients to assist them with their legal issues. In family matters, this contact can extend over a long period of time, as in the case of *pro se* clients winding their way through the legal process. LARC's best estimate is that it has over 11,000 conversations with clients on an annual basis; the number of new clients each year is approximately 4,800.

The former LSC recipient, NHLA, a statewide program with four offices located in Portsmouth, Manchester, Claremont and Littleton, conducts intake three times a week at each of its four offices. NHLA support staff screen callers and "walk-ins" for income and substantive eligibility, and then a staff attorney or paralegal conducts an in-depth interview, providing counsel and advice that day or retaining the case for further legal research. All new cases that may require more than counsel and advice are discussed at weekly case review meetings, at which the

advocates consider strategy and make case assignments. NHLA advocates also make home visits for elderly, disabled or otherwise isolated clients. NHLA also conducts intake through its various outreach efforts in connection with its fair housing program, its employment outreach, and other similar programs. In 1997, NHLA's counsel and advice caseload was 31% housing, 21% income maintenance, 18% health, and 15% consumer, with the remaining 15% composed of family, employment and miscellaneous cases.

As part of its Senior Citizens Law Project, NHLA also conducts considerable intake and provides advice and referrals for senior citizens. NHLA has been the long time recipient of Title III funds in the New Hampshire, and has four attorneys and one paralegal whose work is primarily dedicated to serving the legal needs of the senior citizens of New Hampshire. These advocates represent elder clients in a wide variety of individual cases and impact efforts, but they also provide advice and counsel to the elderly citizens of New Hampshire, primarily in housing, health care and benefits cases.

Given its long history of servicing senior citizens, and their special needs, it was thought unwise to relocate the advice and counsel portion of the Senior Citizen Law Project to LARC. In fact, NHLA just learned that it has been awarded one of the Title III Senior Hotline Grants, and will be implementing its grant proposal as soon as possible. The grant includes participation of Pro Bono in establishing a new panel of the attorneys to provide representation to elderly citizens in a variety of substantive areas. LARC will be providing hotline support and training to the new Senior Hotline.

What has evolved in New Hampshire over the past three years is a dual entry system, with both LARC and NHLA conducting intake, for a total of 4,231 clients receiving advice and counsel in New Hampshire in 1997. While the dual intake nature of the existing delivery system can create some confusion, the message to social service agencies is that if they are in doubt about whom to call, the first call should be to LARC. The programs are also trying to communicate better among themselves about where clients should be referred for certain types of service needs, and have explored having a seamless transfer of calls between programs. Unfortunately, the latter idea is prohibitively expensive since both programs would pay for their calls on their 800 lines.

Additionally, the three programs need to clarify further the referral protocols between themselves, and with smaller providers such as Franklin Pierce Law Center and Disability Rights Center.

There are inherent problems in relying on LARC as the primary source of intake for the delivery system. By its very nature as a telephone hotline, clients without telephones will have difficulty reaching LARC. To accommodate those types of clients, LARC does have "face to face" appointments available in the afternoon for those who do not have access to a telephone. Alternatively, LARC can schedule a telephone interview with a client at a social service agency, domestic violence crisis center, other social service groups, or at a friend/neighbor's home. This procedure works well for clients without transportation.

Despite LARC's best efforts, there will always be special populations that will not be able to access legal services through its hotline model. The community offices of NHLA and their numerous outreach efforts provide other methods of intake, advice and preventive education, all of which complement the hotline model of LARC.

Goals/Issues for Clients' Services

The 1995 goal for intake and advice has been largely accomplished:

Develop a streamlined advice system to met the priority advice and brief service needs for as many clients as possible. The advice and brief service system should complement more extended client services.

The planning group is now analyzing New Hampshire's work in this area and list of intake goals for the next few years.

Issues that have been discussed in this area during state planning over the past three years, and will likely continue to be discussed, include:

How best to integrate the new Senior Hotline into the existing delivery system?

How to best develop and maintain a list of the types of cases that each office of NHLA and Pro Bono desire LARC to refer to them?

How best for LARC to know when to refer a case that is not on "the list" referenced above?

How in-depth of an intake is required for different types of legal issues?

How should LARC identify a new emerging need to the other organizations?

How better to streamline the referrals to each program?

How should clients with whom LARC has a conflict of interest in provider conduct intake and advice for those individuals, or do their legal needs go unmet?

How often should programs thoroughly review their intake system to be sure that it is responsive to the clients' needs?

How much of the state's legal services resources should be devoted to intake and advice? Is the current allocation appropriate? If not, how should it be adjusted?

Given the inherent limited capacity at LARC for intake, how much intake should other programs be conducting? In what form should this intake be conducted: telephone, community outreach, in-office, etc.?

Is there a way for LARC to design its telephone system to permit more non-family cases access to LARC's non-family advocates?

Should all programs collaborate with other human service agencies to establish the capacity to interview clients at remote locations? How does this tie in with our tech? How can all programs best utilize private attorneys and Pro Bono attorneys to assist in intake?

How can programs most effectively stay in close contact with the courts in their *pro se* efforts, and consider how the continuing evolution of *pro se* representation affects how they structure intake?

Time Table

As indicated above in the discussion of the state planning process generally, New Hampshire is at a reassessment point in its planning process. The planning group needs to analyze the effects of transferring 75% of the state's intake and advice functions to LARC in the 1996 reorganization. After that analysis, a thoughtful timetable for any additional changes needs to be established.

While no major changes are anticipated, a reassessment of how much of the delivery system's resources should go toward intake, counsel and advice and community education needs to occur. We expect that most recommended changes in the intake system could be accomplished within a year to eighteen months. For example, we are in the process of determining whether LARC's

telephone intake flow should be modified to permit more information to be available using an upgraded voice mail system. Such a change would necessitate the purchase of additional equipment. Once all three programs are able to thoughtfully analyze the proposed changes, the purchase of the necessary equipment will proceed and it will be implemented within a few months of that decision.

Technology

Is there a state legal services technology plan? How can technological capacities be developed statewide to assure compatibility, promote efficiency, improve quality, and expand services to clients?

Current Assessment

While not guided by a written technological plan, the programs in New Hampshire recognized the need in 1996 to implement technology in the delivery system. One of the 1995 Planning Principles stated:

To the extent possible, legal services providers should strive to ... promote effective use of existing and emerging technologies.

As detailed below, there has been a considerable increase in the use of technology in the delivery of legal services to the poor over the past three years in New Hampshire. The Bar Foundation funded a joint grant to NHLA and LARC in 1997 to purchase computer hardware and software. In addition, Pro Bono upgraded its computer system. These efforts have positioned the three programs well, enabling them to focus now on how best to use the technological tools they possess for delivering service to our clients.

All three programs have undergone dramatic change in their use of technology. LARC led the way through its extensive use of the computers and telephone systems in its operations, thus enabling the other programs to learn from LARC's efforts. Selected staff of all three programs have spent considerable time together over the past 2.5 years discussing and analyzing the features of certain software, purchasing the software and training staffs to use it. When a decision to purchase Kemp's Clients software was made, a joint grant was written for its purchase, and the installation and training was coordinated so that the overall administrative expenses for the conversion were reduced.

Since January 1996, a computer has been placed on each advocate's desk in all three programs. These computers have a Windows '95 based operating system and all offices have a local area network. In conducting its intake, NHLA, like LARC, now utilizes the Clients software. Each NHLA office has access to the internet for e-mail, as well as access to the worldwide web. Pro Bono and LARC have both internal and external e-mail from the desktops of each advocate, and utilize it frequently in their communications with one another. Most of the staff at LARC have access to the worldwide web from their desktops, and there is a computer in the LARC library with a dedicated telephone line for common access to the Internet.

NHLA and LARC use Kemp's Clients, which includes timekeeping, case management reporting and intake functions. Since the purchase of Clients, NHLA and LARC have worked together to become familiar with the program and to use it as much as possible within their programs. Two staff persons, one at each program, have been trained to troubleshoot the complete system permitting each program to have a staff member who has "extra" knowledge of various software packages, printers and hardware. This strategy permits the two staff members to fill in for one another, as well as collaborate on solutions to problems. The staff member at LARC has also received training in the database language of Clients, allowing both programs to customize Clients.

Other technological advances have included an automated telephone system at LARC, and in all four of the NHLA offices. Again, there was joint participation in the selection of the telephone system. After joint investigation and research, the programs chose an Executone system with voice mail, and, at LARC, automated call distribution. Each program purchased similar telephontain any available "volume discounts" and joint training. LARC is in the process of

examining additions to its telephone system in order to provide recorded information to clients, and hopefully, to free up its telephone lines in order to allow more clients to utilize LARC's services. The decision to make this purchase is being made with input from all three programs.

Pro Bono has had telephone voice mail for quite some time. It also has recently upgraded its computer system so that each person at Pro Bono has a Windows based personal computer. Pro Bono has recently installed e-mail for each of its staff and is looking at how to utilize that in all of its operations. Pro Bono has its own software program that was developed for it during 1993-1995. That program is based on a language known as "Speed", and is not at this time compatible with Clients. Pro Bono has in principle agreed to work towards having a compatible data base program, either through a conversion program or through the purchase of Kemp's. Aged to allow Pro Bono time to assess the recent computer upgrade at the Bar, and analyze how best to achieve compatibility.

As for automated research, LARC has the New Hampshire statutes, New Hampshire reported cases, New Hampshire digests and Practice Series on Cd-Rom. NHLA utilizes a Cd-Rom for these same items in its Littleton office, but uses hard bound texts for these research tools in its other three offices. Both NHLA and LARC subscribe to Handsnet. NHLA has Westlaw available to its advocates; LARC does not use Westlaw, relying on Internet resources and the local law school library for any in-depth research necessary in its cases. Pro Bono has no automated research es maintain a set of statutes there.

LARC set up a website in late 1997, and has continued to develop it in 1998 (www.larcnh.org). While not many low income clients are probably accessing the website, it is a reference tool for social service agencies that refer clients to legal services providers. There have been approximately 1,200 "hits" to the LARC website since May 1998; LARC's number of "hits" per day is now in the vicinity of fifteen (15). The site contains all of the substantive brochures of LARC and NHLA, and links to those of Pro Bono contained on the Bar's website (established in January 1998). The site provides the following information: LARC's operating hours, the location and telephone numbers of the NHLA offices, the debtor clinic of LARC, access to court forms, access to other legal and links to social service and other legal services programs' websites.

The Bar also established a website in January 1998 in which Pro Bono is featured. The Bar's pamphlet series and other information about public services available through Pro Bono and the Bar are included in the website. Like the LARC site, there are numerous links to law related websites, including links to the websites of the New Hampshire court systems gal services programs hope to explore how to more fully utilize the websites for delivery of legal services to clients in the upcoming year. LARC is in the process of updating its 1997 survey of the New Hampshire public libraries to determine which have Internet access, and is considering a mailing to alert the courts and social service providers of the resources on the Internet.

Goals/Issues For Clients' Services

The following are technology related issues that undoubtedly will be discussed in the planning process over the next few years.

How to integrate Pro Bono's custom software with Kemp's Clients software? What is the targeted date for a solution?

How to reach clients using the websites? Other social service agencies and legal service providers?

Revisit the structure, design and content of the LARC website.

Is there a role for lap top computers in off-site intakes?

Explore other ways to use the Clients software in each program.

Explore using technology to refer clients between programs.

Revisit additional training needs of the advocates. Are there ways to increase the productivity using the existing technology?

Explore whether a brief or pleading bank would be useful to the legal services community.

Determine what research tools are available with existing technology. Are these meeting the needs of the legal services community? Is additional technology necessary?

Are there other ways to use our telephone system with existing equipment? With additional equipment?

Review the “Year 2000” issues of all three programs.

What is the appropriate allocation of resources for the programs, individually, and collectively, for technology? How much does each program need to set aside annually for replacement and/or upgraded equipment and software?

Should the programs share an individual dedicated to maintaining, servicing, replacing, repairing, etc. all of the technology?

How can technology be used to increase the participation of private attorneys in delivering legal services to the poor?

Timetable

There have been no fixed timetables for technology over the past three years. Nevertheless, we have accomplished most of our 1996 goals within 2 years. As part of the planning process, the planning group will explore setting realistic timetables, taking resource allocation and other client needs into consideration. It should be noted, however, that without rigid timetables, New Hampshire has successfully integrated various types of technology into its delivery system. We expect this same success as we re-examine our goals and refine how best to use technology to serve our clients. We have been careful not to invest in technology for technology's sake, but to examine each purchase with an eye towards how this tool will help our productivity so as to better serve our clients.

Access to Courts, Self-Help and Preventative Education

What are the major barriers low income persons face in getting access to justice in the state? What efforts can be taken on a statewide basis to expand client access to the courts, provide preventative legal education and advice, and enhance self-help opportunities for low income individuals?

Current Assessment

Barriers to legal services in New Hampshire are similar to those that exist in mixed urban/rural service areas throughout the United States. The rural population is chronically underserved due to long distances to service access points; geographic isolation is amplified in New Hampshire by extensive mountainous terrain; and there is little, if any, public and other reliable alternative transportation. Minority populations emerging in the southern part of the state, primarily Hispanic, Croatian and Vietnamese face language and cultural barriers in the courts and in legal services programs. The elderly population throughout the state suffers from inadequate transportation networks and long distances to doctors and other health care professionals. The increasing elderly population faces an inadequate supply of long term care facilities. While much of the state's mentally ill population is centered in Concord, there are mentally ill clients throughout the state. All of these clients also face inadequate transportation and shrinking support services. New Hampshire's health care system is undergoing rapid change and consolidation, often resulting in increased accessibility issues for low income clients. There continues to be a chronic acute shortage of affordable housing. Contributing to that housing shortage is the property tax burden, which is the highest in the nation.

There is an abundance of pamphlets, brochures and *pro se* materials targeted to clients' needs available at no cost to low income persons in New Hampshire. Substantive brochures of NHLA, Pro Bono and LARC are available at all district and superior courts in the state, most local welfare offices, all Community Action Programs in the state, all domestic violence crisis centers and other social service agencies that request supplies. NHLA and Pro Bono have long provided excellent brochures, *pro se* and other education materials. In the 1995 restructuring, NHLA, Pro Bono and LARC divided up the publication responsibilities according to substantive area and function. No matter which organization is responsible for a brochure, however, all three participate in the development of the twenty (20) pamphlets targeted for low income clients. LARC posts these twenty pamphlets on its website, as well as an additional twelve (12) that are available from the Bar's Public Information Committee.

Perhaps one of the most sought after *pro se* tools in the state is Pro Bono's Pro Se Divorce Kit (the "Kit"). There are two versions of the Kit, one for the experimental family courts in two counties and one for the superior courts in the remaining eight counties. It is available at a cost of \$30. A project of Pro Bono, the Kit calls on the knowledge and expertise of the Bar, the clerks, the judges, legal services attorneys, and private attorneys.

John Tobin, the Executive Director of NHLA, chairs the *Pro Se* Subcommittee of the Bar's Committee on the Cooperation with the Courts. The *Pro Se* Subcommittee just obtained an \$8,000.00 grant from the New Hampshire Bar Foundation in order to study the *pro se* "problem" in New Hampshire. Their goal is to identify reasons why litigants proceed without an attorney, and develop strategies for resolving the issues that *pro se* litigants present in the court room. The Subcommittee is exploring why all persons, regardless of income, chose not to hire an attorney. The planning group is hopeful that the results of the Subcommittee will be helpful in analyzing how best to utilize legal services' resources to assist *pro se* litigants.

The Family Division of the Superior Court is an experimental court in two counties of New Hampshire that has as one of its missions to make the courts more user friendly. To that end, the Family Court has case managers who provide limited assistance to *pro se* litigants. The

case managers cannot provide legal advice to clients, but are helpful in selecting forms, providing procedural information, and explaining the overall legal system to clients. The Family Court is still experimental in nature, and somewhat controversial. While LARC's clients speak favorably about the Family Court, no comprehensive survey has been done to assess its effectiveness.

LARC implemented its first *pro se* clinic in New Hampshire with its Debt Crisis Workshop in 1998. The Workshop was developed in response to the record breaking number of personal bankruptcies filed in New Hampshire over the past few years. The goal of the Workshop is to provide basic debt counseling to clients, and to increase the number of Pro Bono bankruptcy clients. The Workshop was developed with the assistance of both Pro Bono and NHLA, and has been successful in generating more consumer/bankruptcy clients for Pro Bono. The Workshop has enjoyed the support of the private bar and the Bankruptcy Court in Manchester, New Hampshire.

LARC has begun to use its website to assist *pro se* individuals, but is still in its infancy. LARC participates in a Webmaster server list popular among many legal services programs nationally, and has worked to ensure that it is listed with other out of state programs which might have clients seeking legal information, advice or referrals within New Hampshire. LARC will be working with the other two programs to develop the best way to utilize this technology for our clients.

Goals/Issues For Clients' Services

The 1995 plan recognized the need for the legal services community to "plan and develop innovative ways to provide assistance to potential *pro se* parties and others needing legal information and advice." The 1995 plan also urged the legal services community "to work closely with the courts to help increase access to justice for all".

As evidenced in the previous section, the legal services community has expended considerable efforts in this area over the past three years. Issues which they have been addressing over that time, and will continue to address, include the following:

Identify appropriate *pro se* materials, particularly in the area of housing and custody, that may be helpful to our clients.

Identify substantive problems of our clients that could be assisted in a clinic setting.

Promote the websites so that agencies and other service providers that serve our clients can provide clients with information regarding legal rights.

Determine how to reach the public schools and utilize their technology resources for clients.

Examine how to address the needs of clients who cannot access *pro se* or other self help methods due to language barriers or limited abilities.

Determine what leadership role legal service programs should have in the further development of *pro se* projects.

Explore mediation as an alternative dispute resolution service to offer low-income clients, examining the use of both private attorney mediators and non-attorney mediators and exploring the possibility of coordinating efforts with the Franklin Pierce Law Center Mediation Project.

Evaluate the effectiveness of *pro se* assistance.

Timetable

The timetable for the development of many of the pro se materials will depend largely upon how quickly the Pro Se Sub-Committee proceeds with its study. Additionally, there was an informal study conducted by LARC over the Summer of 1998 of pro se landlord/tenant clients. The results of that study are being reviewed and are not yet available for discussion. When available, the results will be shared with the Pro Se Sub-Committee and with the other program providers. This information, together with the Sub-Committee report, will be utilized in developing landlord/tenant materials that can be distributed to clients. Additionally, the results will be used to assess the effectiveness of clients' relying largely upon advice and pro se materials in the court system, and to respond to the conclusions reached.

Coordination of Legal Work, Training, Information and Expert Assistance

Do program staff and Pro Bono attorneys throughout the state receive the training and have access to information and expert assistance necessary for the delivery of high quality legal services? How can statewide capacities be developed and strengthened to meet these needs?

Current Assessment

New Hampshire has a long tradition of coordinated training for its private attorneys and its legal services attorneys. Traditionally, Pro Bono, the New Hampshire Bar Foundation and the Bar have sponsored training sessions designed to both recruit and train the Pro Bono attorneys. In the last three years, training such sessions have included:

- 1998 Family Law Update
- Divorce and Welfare Reform
- SSI Children's Disability Appeals
- Bankruptcy
- Domestic Violence (annual recruitment training for the DOVE Project of Pro Bono)

NHLA, Pro Bono and LARC engaged in a multi-week joint training effort in 1998. NHLA was the prime organizer of these joint staff training sessions in the following areas: domestic violence, benefits, housing, consumer and bankruptcy. Staff members of each organization assisted in training sessions; some of which were half day sessions, and some which were full day sessions. The trainings were of such a quality that they qualified for CLE credit. These training sessions were also taped so they could be available for new attorneys and volunteers.

NHLA, Pro Bono and LARC have also established several Task Forces around substantive areas of the law such as housing, welfare reform, and child support. Staff members who specialize in the substantive areas belong to the appropriate Task Force. The Task Forces meet periodically to discuss developments in the law, particularly in welfare reform. Not only do the Task Forces provide invaluable substantive training, they also provide an opportunity for the staff to know one another better and to build relationships that can transcend the walls of their organizations.

Although opportunities are much more limited due to cuts in funding, both NHLA and LARC send staff to the substantive law trainings offered by the National Legal Aid and Defenders Association. Those who attend these trainings then return to provide additional training to the remainder of the staff of all three programs, either in the Task Force setting, or at staff meetings. The Bar Foundation has provided grant funds to LARC in order to insure that LARC staff can avail themselves of the training opportunities offered by NLADA and other membership legal services organizations. Pro Bono regularly attends the American Bar Association's annual Pro Bono conference.

Other training opportunities focused on knowing better the social service and state agencies with whom members of the legal services community deal. In its staff meetings, LARC regularly invites individuals from other agencies to speak. Examples include persons from: Office of Child Support Enforcement, Division of Child and Youth Services, Consumer Credit Counseling, the local AIDS support groups, Children's Alliance, and Child and Family Services. When these individuals do make a presentation, all staff from NHLA and Pro Bono are invited.

Finally, LARC and the Disabilities Rights Center had a series of joint staff meetings in the spring of 1998. Topics included social services available to the mental health clients, outcome measurements, and fair housing. The two groups plan to continue this effort in the

spring of 1999.

Pertaining to management issues, all three programs belong to the Management and Information Exchange. Representatives from both Pro Bono and LARC attended the Centralized Telephone Intake/Pro Se Technology Conference in Dallas, Texas in September of 1997. Based on input from other hotline and traditional programs at the Dallas Conference, LARC organized an "experienced" hotline roundtable for New England programs in January 1998 to discuss many of the issues hotlines face in their management and coordination with other programs.

All three directors are also active participants in the New England Project Directors who meet four times a year and provide management and training support.

In order to become more familiar with the day to day operations of the other programs, all of the staffs of each program are encouraged to visit the other two programs. Several of the LARC staff also participate in the case referral marathons at Pro Bono. Finally, a retreat of the three organizations is generally held in August, with time for substantive/management issues to be discussed, as well as time for recreational activities so that all members of each staff can become more familiar with one another on a personal basis.

Goals/Issues For Clients' Services

How can we best organize trainings to insure that legal service advocates and Pro Bono attorneys have access to an appropriate and meaningful cross section of training programs that also meet CLE requirements?

How can we better use non-attorneys or non-traditional legal service providers to provide trainings to our staff?

Timetable

New Hampshire has an excellent record in the area of coordination and collaboration of training its legal services staff. These training sessions are viewed both as an opportunity for moral support and an opportunity to learn more about the law and/or better practice management. No time table has been set in this area because it is already such an integral part of the legal services programs. Attention should be given, however, to continuing this tradition and to expand it to include the smaller or more specialized providers such as the Disability Rights Center and Franklin Pierce Law Center.

Private Attorney Involvement

What is the status of private attorney involvement (PAI) in the state? What state-wide efforts can be undertaken to increase the involvement of private attorneys?

Current Assessment

New Hampshire is fortunate to have one of the best Pro Bono programs in the nation. Upwards of over one third of the attorneys in New Hampshire participate in Pro Bono in one form or another. It is estimated that the *pro bono* attorneys in the state provide approximately \$1,200,000 in legal services to low income clients. Pro Bono has been a critical player in the provision of legal services to the poor in New Hampshire since its inception over 20 years ago. With the most recent round of cuts in LSC funds, Pro Bono's role has become even more important as the conventional staff attorney model undergoes examination and evolution.

Pro Bono has historically focused on the provision of legal services in the area of family law. This focus was instituted intentionally by Pro Bono in coordination with NHLA in the late 1970's when one of LSC's Delivery Systems' Study Programs became a regularly funded program that continued until eliminated in 1996. One theory behind this structure was that family law was not unique to low income clients, so could be more easily integrated into private attorneys' practices. Consequently, the case load of Pro Bono prior to 1995 was approximately 88% family law cases, primarily contested divorces, contested custody cases and domestic violence cases.

During the 1995-96 restructuring, the planning group realized that Pro Bono would have to take on more types of cases to survive and to expand its panel of attorneys. In fact, the 1995 plan explicitly stated that Pro Bono "should expand the types of cases and activities undertaken by volunteer lawyers to attract additional panel members." Pro Bono has embraced this mandate, working diligently to expand its case types. For example, Pro Bono developed a project in collaboration with NHLA to provide attorneys to those who have suffered termination of SSI disability benefits to their children. Pro Bono and NHLA provided special training and mentoring programs to the participating attorneys in this project. In addition, Pro Bono began targeting landlord-tenant cases in 1997, a first for the program. Finally, the number of bankruptcy and consumer cases has also increased significantly since 1995, with 64% more cases in this area referred in 1997.

During its 20 years, Pro Bono has developed training, mentoring and other tools in order to attract attorney volunteers. Pro Bono has numerous tools it uses to recruit attorneys: it sponsors continuing legal education events; publishes articles and acknowledgments in the Bar's newspaper, Bar News; and provides mentors and other support services to participating attorneys. One other significant recruiting tool that Pro Bono employs is its peer-to-peer case referral marathons. About ten (10) of these are scheduled throughout the year, targeted at certain geographical areas or sponsored by certain sections of the Bar. For example, the New Lawyers Committee of the Bar sponsors two such marathons each year, placing approximately 85 cases annually.

Pro Bono retains its volunteer attorneys through the provision of malpractice insurance, support by LARC attorneys for training and consultation, mentoring by other Pro Bono attorneys, and monthly recognition of Pro Bono attorneys in the Bar News. In addition, the President of the Bar, in collaboration with Pro Bono, recognizes a Pro Bono attorney of the year for each county and for the state at the Bar's Mid-winter Meeting. The program also sends personal letters to all attorneys who have volunteered thirty or more hours on a case.

Pro Bono monitors the quality of its referrals primarily through the use of client satisfaction questionnaires and review of the case closure memos. Pro Bono sends out a client

satisfaction questionnaire to each client with whom it places an attorney. Pro Bono reviews the surveys, and comments are provided directly to the attorney on occasion. Additionally, each attorney submits a case closure memo, which the Pro Bono program reviews.

Goals/Issues For Clients' Services

The planning group has begun assessing the progress towards fuller integration of Pro Bono attorneys into the delivery system and setting forth new goals for all three programs to meet in this area. Some of the issues and goals that have been, and will continue to be, discussed are:

Assess court-imposed barriers to attorney participation in Pro Bono and make recommendations for changes to the courts.

Explore expanded ways in which to involve government attorneys in the delivery of legal services to the poor, working toward the elimination of barriers to participation. Activities may include involving volunteer attorneys in the intake functions at LARC.

Explore the use of e-mail, the internet and other technology to refer cases.

Explore additional ways to attract and utilize attorneys in practice less than five years.

Examine additional ways to facilitate Pro Bono delivery in rural areas.

Explore developing comprehensive written materials (beyond continuing legal education materials) for use by Pro Bono attorneys, utilizing the Bar's and LARC's websites for distribution.

Invite greater input from private attorneys in priority planning.

Expand coordination of delivery between Pro Bono and NHLA through joint facilitation of more co-counseling arrangements between Pro Bono attorneys and NHLA attorneys.

Explore additional substantive legal areas in which to involve Pro Bono attorneys in providing direct representation.

Develop a senior citizens panel to accept NHLA referrals via its Title III hotline.

Timetable

The first two goals are items on the agenda of the Bar Association's Delivery of Legal Services Committee to be addressed during the next one to two years. All three program directors participate in this Committee, with the Pro Bono Director serving as Bar staff liaison. The remaining goals/issues are all on a three-year track in terms of exploration, development and implementation. All of these activities, however, are dependent upon adequate resources. In addition, Pro Bono believes it is important to remain flexible to meet emerging client needs, which may require a shift in some of the goals detailed above.

Resource Development

What statewide financial resources are available for legal services to low income persons within the state? How can these resources be preserved and expanded?

Current Assessment

The planners in 1995 knew that the restructuring was going to be difficult enough without the programs worrying about one another encroaching upon long established funding sources. Thus, one of the most important features of the state plan of 1995 was that each of the three major providers agreed not to compete with one another for existing grants or foundation requests, and to work cooperatively in the future as new grants and fundraising opportunities arose. While nothing was put in writing, the programs agreed in principle that for the first few years of the restructuring, the legal services funds in New Hampshire would be divided as follows:

LARC would exist almost exclusively on LSC funds, with a subgrant to Pro Bono of approximately \$50,000. In the first year of the restructuring, the subgrant was \$60,000.00 due to cash flow issues of the two programs and the mechanics of implementing LARC in 1996 after the federal government shut down.

Pro Bono and NHLA coordinate their requests to New Hampshire Bar Foundation, taking into account staff reduction and the spin off of the Reduced Fee program to Lawyer Referral Services, another Bar project.

Efforts to obtain funds for NHLA from the state legislature would be a high priority for the legal services community.

NHLA would continue to obtain funds from 10 of the United Ways in the state, and Pro Bono would request funds from the four from which it had recently received funds. The programs agreed to evaluate the expansion of Pro Bono's requests to the remaining six after the dust settled from the reorganization.

NHLA would retain its private attorney direct solicitation effort.

Pro Bono would retain the "Dues Check Off" on the annual unified Bar dues billing, as well as its "Quid Pro Bono" golf tournament.

Pro Bono and NHLA were to apply for the Stop Grant funds available through VAWA for their domestic violence work.

While this degree of collaborative effort in resource allocation was somewhat new in New Hampshire, there were some precedents. NHLA and Pro Bono had developed joint project funding prior to 1995 for housing preservation. Additionally, the programs discussed their IOLTA and United Way strategies in order to avoid duplication and maximize the legal services in the community. What was new in 1996 was the recognition that the delivery system was more highly integrated than ever before and that inadequate funding or ineffective resource allocation strongly affected all three programs, not just one.

Given that resource development was so critical to the survival of legal services, one of the primary considerations in the hiring of a new director for Pro Bono in early 1996 was development experience. The director of the Pro Bono Program, Virginia Martin, was the former development director at NHLA, bringing considerable talents in this regard to Pro Bono. Through Bar Foundation grants, Stop Grant funds, a successful golf tournament, and a check-off

program, Pro Bono has been able to neutralize the loss in 1995 of its \$115,000 Supplemental Field grant.

Another significant step in resource development in New Hampshire was a \$200,000 allocation to NHLA from the State in June 1997. The allocation is for two years, and is targeted for reinstituting legal services in the North Country section of the State. The NHLA office in the North Country was closed in the wake of the 1996 LSC funding cuts. This is the first time that the State Legislature has ever allocated money to civil legal services. NHLA spent a considerable amount of time obtaining this result and worked with the Bar Association and other community organizations to obtain this funding.

NHLA had a diversified funding base in 1995, and has even diversified further since that time. It has over twenty-two different funding sources, including 10 United Ways, local foundations, federal grants and direct fundraising efforts. Additionally, NHLA is examining ways to improve and expand its annual fundraising campaign targeted at the state's Bar members.

Other collaborative efforts in funding include a recent VAWA civil legal services grant and a successful Title III Senior Citizen Hotline grant. The New Hampshire Bar Foundation has also rallied to insure that IOLTA giving stays at its maximum level despite the recent US Supreme Court opinion. Additionally, the Foundation is embarking upon a large planned giving campaign. In the spirit of targeting resources effectively, NHLA worked with LARC so that LARC could obtain a \$26,000 housing advice grant from the New Hampshire Housing Finance Authority ("NHHFA"). NHLA has worked with NHHFA in the past, and NHHFA first approached NHLA to be the grant recipient. NHLA recognized that the goals of the grant would best be served by LARC and worked to insure that LARC became the recipient.

Goals/Issues For Clients Services

While the three programs have been largely successful in this area, all three recognize that a more formal mechanism or group for resource allocation must be established. The creation of such a group is a high priority among the three programs and will be a topic of much discussion in the upcoming planning sessions in New Hampshire. The diversification and coordination of funding will be a critical piece of survival for legal services programs in New Hampshire. Not only are LSC funds uncertain, but the challenge to the Texas IOLTA fund looms over all IOLTA programs nationally. Without IOLTA funds, it would be extremely difficult for NHLA and Pro Bono to operate in their current fashion.

The following goals/issues have been discussed recently, and will continue to be discussed in future planning sessions:

Development of a state funding coalition involving staff and bar leaders to help analyze grant proposals and coordinate efforts. Who should be on this panel? From where does it derive its authority? How should disagreements be resolved?

How to insure that the legislative initiative stays in place in light of the pending educational funding crisis in New Hampshire.

Should the legal services community consider a dedicated staff person charged with expanding legal service funding for the entire legal services community, rather than one organization?

What efforts can the legal services community make to insure that IOLTA revenues stay at the highest levels possible pending another US Supreme Court decision regarding the constitutionality of IOLTA?

How best can the legal services community work to insure that all possible federal and state

grants are being located and analyzed?

How can we collaborate with other non-legal organizations to fund “core” projects that the legal services community has provided at no cost to non-profits and social service agencies?

Timetable

Given that the two primary sources of legal services funding are precarious in nature, the planning group recognizes the urgency with which resource development needs to be tackled. Many of the issues regarding resource development will be among the highest priority discussed in the upcoming statewide planning meetings. Since they have a high priority, New Hampshire anticipates that the timetable for these functions will be short term: one year to eighteen months. Nevertheless, there has been no timetable for the past three years, and the New Hampshire legal services community has been successful in diversifying its funding sources.